

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | 4:06CR3066 |
| |) | |
| Plaintiff, |) | MEMORANDUM |
| vs. |) | AND ORDER |
| |) | |
| JOSEPH P. KNOPP, |) | |
| |) | |
| Defendant. |) | |

Defendant has filed a motion for release pending appeal (filing 39) and argues that the appeal “raise[s] a substantial question of law or fact likely to result in . . . a sentence that does not include a term of imprisonment, or . . . a reduced sentence to a term of imprisonment less than the total time already served plus the expected duration of the appeal process.” 18 U.S.C. § 3143(B)(iii) & (iv). I disagree. The sentence imposed is within the advisory guideline range—indeed, it is the minimum recommended sentence—and there is no reason to depart. No substantial question of law or fact is presented. While it is possible that Defendant will have completed serving his 12-month term of imprisonment before the appeal is concluded, this does not constitute a ground for release under the statute. Accordingly,

IT IS ORDERED that Defendant’s motion for release pending appeal (filing 39) is denied.

January 8, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge